

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7520

BILL NUMBER: SB 532

NOTE PREPARED: Jan 11, 2011

BILL AMENDED:

SUBJECT: Various natural resources matters.

FIRST AUTHOR: Sen. Mishler

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: *Personal Flotation Device.* This bill requires a person who is less than 13 years of age to wear a personal flotation device while on a boat. The bill provides for exceptions.

Implied Consent. The bill makes certain changes to the implied consent law while operating a motorboat. It requires that a portable breath test must be offered to a person who operates a motorboat that was involved in a fatal accident or an accident involving serious bodily injury. A person who refuses to take a breath test related to the operation of a motorboat must be informed their motor vehicle operation privileges will be suspended. (Current law applies to motorboat operation privileges.)

Prohibited Activities. This bill prohibits certain activities on the swim platform, in the wake, or on a towed device of certain motorboats. A violation of these prohibitions is a Class C infraction.

Hides and Furs. The bill allows hides and furs to be transported out of Indiana after open season as allowed by rule. (Current law requires shipment within five days after the end of open season.)

Combined Hunting, Fishing, and Trapping Licenses. The bill allows the Department of Natural Resources (DNR) to issue combined hunting, fishing, and trapping licenses.

Fees above a Statutory Minimum for Fishing with Certain Nets. The bill allows the Natural Resources Commission (NRC) to set fees above a statutory minimum for fishing with certain nets.

Commercial Fishing License. The bill removes DNR's authority to issue a commercial fishing license for the Ohio River to a Kentucky resident.

Roe Harvester and Roe Dealer's License. The bill establishes a roe harvester and roe dealer's license concerning certain fish species.

Commercial Fishing Statutes. The bill allows a person who violates the commercial fishing statutes to have administrative action taken on their license or to be charged with a Class A misdemeanor.

Fishing Guide License and Penalty. The bill changes the name of "charter fishing boat" licenses to "fishing guide" licenses. Makes certain fishing guide violations a Class C misdemeanor. (Current law is a Class C infraction.)

Hunting Guide License and Penalty. The bill establishes a hunting guide license. It makes certain hunting guide violations a Class C misdemeanor.

Compliance with Federal Laws. This bill makes certain changes to the falconry laws. It provides that money in the Natural Resources Reclamation Fund is annually appropriated to DNR. (Current law appropriates the money in the fund.) The bill provides that federal money for restoration of abandoned mine land must be deposited into separate funds. It makes changes in how money in the funds may be used. The bill creates the Acid Drainage and Treatment Fund and the Reclamation Set Aside Fund. It makes certain changes to the abandoned mine laws. The bill provides that money in the Oil and Gas Environmental Fund is annually appropriated.

Fishing on the Ohio. The bill repeals a requirement that DNR adopt rules concerning commercial fishing on the Ohio River that conform to Kentucky laws.

Effective Date: July 1, 2011.

Explanation of State Expenditures: *Implied Consent.* This provision will have no significant impact on the DNR.

Hides and Furs. This provision will have no significant impact on the DNR.

Commercial Fishing License. The bill removes DNR's authority to issue a commercial fishing license for the Ohio River to a Kentucky resident. This provision should not have a significant impact.

Roe Harvester and Roe Dealer's License. The bill establishes a roe harvester and roe dealer's license concerning certain fish species. This provision will allow the DNR to track numbers of certain fish.

Commercial Fishing Statutes. The bill allows a person who violates the commercial fishing statutes to have administrative action taken on their license or to be charged with a Class A misdemeanor. If administrative action is taken, administrative expenses will increase for the administrative law judge. The impact is indeterminable.

Fishing Guide License and Penalty. The bill changes the name of "charter fishing boat" licenses to "fishing guide" licenses. This provision will have no impact.

Compliance with Federal Laws. These provisions will have no impact.

Fishing on the Ohio. The bill repeals a requirement that DNR adopt rules concerning commercial fishing on

the Ohio River that conform to Kentucky laws. This provisions may reduce administrative expenses for the DNR to the extent that the DNR will be able to proceed with rule adoption whether or not Kentucky has adopted the same rules.

Explanation of State Revenues: *Combined Hunting, Fishing, and Trapping Licenses.* This provision may result in the DNR selling more licenses. Any additional revenue would be deposited in the Fish & Wildlife Fund which is used to finance the operations of the DNR Divisions of Fish & Wildlife and Law Enforcement.

Fees above a Statutory Minimum for Fishing with Certain Nets. The bill allows the NRC to set fees above a statutory minimum for fishing with certain nets. The amount of revenue generated may not be more than what is reasonably necessary to generate revenue sufficient to offset the costs incurred by the DNR in carrying out its responsibilities.

Roe Harvester and Roe Dealer's License. The bill establishes a roe harvester's and roe dealer's license concerning certain fish species. A roe harvester license is \$1,000, and a roe dealer's license is \$5,000. The amount of revenue generated may not be more than is reasonable necessary to generate revenue sufficient to offset the costs incurred by the DNR in overseeing the license program.

Personal Flotation Device--Penalty Provision. This bill requires a person who is less than 13 years of age to wear a personal flotation device while on a boat. Violators commit a Class A infraction. The maximum judgment for a Class A infraction is \$10,000, which would be deposited in the state General Fund. However, any additional revenue is likely to be small.

Hunting & Fishing Guide Penalty Provisions. The bill establishes hunting and fishing guides. It makes certain hunting and/or fishing guide violations a Class C misdemeanor. The maximum fine for a Class C misdemeanor is \$500. However, any additional revenue would likely be small.

Prohibited Activities--Penalty Provision. This bill prohibits certain activities on the swim platform, in the wake, or on a towed device of certain motorboats. A violation of these prohibitions is a Class C infraction. The maximum judgment for a Class C infraction is \$500, which would be deposited in the state General Fund. However, any additional revenue is likely to be small.

Penalty Provision: If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class A misdemeanor is \$5,000. However, any additional revenue would likely be small.

Explanation of Local Expenditures: *Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail.

Fishing Guide Penalty. The bill makes certain fishing guide violations a Class C misdemeanor. A Class C misdemeanor is punishable by up to 60 days in jail.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions are filed and a judgment or a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected: DNR.

Penalty Provision: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

Local Agencies Affected: Trial courts, local law enforcement agencies.

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